

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Anders Per Sorensen et al.

Application No.: 10/563,976

Confirmation No.: 5610

Filed: February 2, 2006

Art Unit: 1609

For: BINDING MEMBER TOWARDS  
PNEUMOCOCCUS SURFACE ADHESIN A  
PROTEIN (PsaA)

Examiner: Kerima K. Maasho

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is being submitted in reply to an Office Action mailed May 11, 2007, the deadline for response thereto being June 11, 2007.

In the Office Action mailed May 11, 2007, the Examiner imposed a two-part restriction requirement. In a first part of the restriction requirement, the Applicant is required to elect between the following groups of claims for prosecution on the merits:

Group I, namely claims 1-30, drawn to a binding member;

Group II, namely claims 31-35, drawn to a nucleic acid; and

Group III, namely claims 36-41, drawn to a method of detection.

In response to the foregoing, Applicant hereby elects the claims of Group I, namely claims 1-30, for further prosecution. This election is made without traverse, and the Applicant

reserves the right to file one or more divisional applications directed to the nonelected subject matter.

In a second part of the Office Action, the Examiner has imposed a genus/species restriction requirement requiring Applicant to elect one of amino acid sequences 2, 4, 6, 8, or a homologue thereof, and to elect one of the first and second binding domains.

In response to the foregoing, Applicant hereby elects the species of Sequence ID No. 6, and the first binding domain. This election is made without traverse.

Claims 1-11, 17, 20, 21 and 23-30 are generic to all of the listed sequence identifications. Claims 12-15, 18, 19 and 22 all specifically recite the elected Sequence ID No. 6; although, Applicant notes that various of these claims are also generic to other of the nonelected sequence IDs. Claims 24-30 all read on the elected first binding domain; although, these claims also encompass the nonelected second binding domain.

Applicant respectfully submits that the foregoing complies with the restriction requirement. Any questions, comments or suggestions the Examiner may have should be directed to the undersigned attorney.

Dated: 6/11/07

Respectfully submitted,

By Ronald W. Citkowski

Ronald W. Citkowski

Registration No.: 31,005  
GIFFORD, KRASS, SPRINKLE, ANDERSON  
& CITKOWSKI, P.C.  
2701 Troy Center Drive, Suite 330  
Post Office Box 7021  
Troy, Michigan 48007-7021  
(248) 647-6000  
(248) 647-5210 (Fax)  
Attorney for Applicant